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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,362	11/16/2001	Nils O. Olsson	3993968-126973	1397
23570	7590	04/01/2005	EXAMINER	
PORTER WRIGHT MORRIS & ARTHUR, LLP INTELLECTUAL PROPERTY GROUP 41 SOUTH HIGH STREET 28TH FLOOR COLUMBUS, OH 43215			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	09/993,362	OLSSON ET AL.	
	Examiner	Art Unit	
	Amy J. Sterling	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5 and 7-25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 2, 4, 5 and 7-25 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

This is the **Final Office Action** for application number 09/993,362 Zero Looseness Fastener for Linkage Assembly, filed on 11/16/014. Claims 1, 2, 4, 5, 7-25 are pending. This **Final Office Action** is in response to applicant's reply dated 1/6/05. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Claim Rejections - 35 USC § 112

Claims 1, 2, 4, 5 and 7-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 13 recites the limitation "the length" in the amended portion of the claims. There is insufficient antecedent basis for this limitation in the claim.

Furthermore, it is unclear as to what dimension the length is in a cylindrically shaped aperture.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 2, 4, 5 and 7-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 3561792 to Cykowicz and in view of United States Patent No. 5738475 to Chaban.

The patent to Cykowicz discloses a mounting assembly having a linkage assembly having a first link (10) having a first external surface and a thickness, a first internal surface, and a first aperture (11) extending between the first external surface and the first internal surface, a second link (12) having a second external surface and a second thickness, a second internal surface, and a second aperture (13) extending between the second external surface and the second internal surface, a single piece fastener (14) having a head portion (15) located on the external surface of the first link and a cylindrical body portion (16, 19) extending therefrom and terminating at a distal end opposite the head portion. Cykowicz teaches a hollow rivet with a central bore (20) having an internal diameter, wherein the central bore extends for a length less than the total length of the body portion wherein the central bore is open at the end of the body portion opposite the head portion (15) and is closed toward the body portion and wherein the body portion is expanded outwardly within the apertures to engage the links (10, 12).

Cykowicz also shows wherein the body portion (16, 19) of the fastener extends through the first and second apertures (11, 13) and that the fastener (14) has a length that is greater than the sum of the first thickness and the second thickness of the links such that when the internal face of the first link is placed against the internal face of the

second link and the body portion is inserted through the first and second links, a segment of the body portion extends beyond the links, wherein the distal end of the body portion is plastically deformed to form a lip (40) engaging an external surface of the second link and allows rotational movement and not linear movement wherein the lip portion locks the fastener to one of the links to prevent relative rotational movement while allowing the other link to rotate, wherein the central bore (20) has a maximum internal diameter which extends along the central bore through the first aperture, at least half-way through the aperture, such that the body portion (16, 19) which is plastically deformed into contact with the first link (88) near the head portion, within the first aperture to provide surface to surface contact between the body portion and the first link from the first internal surface and extending in a direction toward the head portion for more than half the length of the first aperture, which eliminates free play between the first link and the fastener.

Cycowicz does not specifically show that that the links are used in a movable seat track (52).

Chaban shows a fastener (92) and links (82, 88) used in conjunction with a moveable seat track (10), used in order to move the desired seat components while securing the two links together. Therefore it would have been obvious to one of ordinary skill in the art to have used the fastener of Cycowicz in conjunction with the moveable seat track of Chaban, in order to move desired components to a desired location while being secured together.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4, 5 and 7-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action. Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 703-308-3271. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine number for the Technology center is 703-872-9306 (formal amendments) or 703-308-3519 (informal amendments/communications). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 703-308-2168.

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We're moving to the new campus on 4/7/05 and the contact phone numbers will be changed as of 4/8/05. Please see the list below:

Amy Sterling	571-272-6823
Amy Sterling (Informal Fax)	571-273-6823
Leslie Braun	571-272-6815
Formal Fax	703-872-9306
Receptionist	571-272-3600



AJS
Amy J. Sterling
3/19/05



RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355 3632